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Michael S. Feldberg

Return date: March 28, 2018 at 10:00 a.m.

Opposition date: March 21, 2018

*Attorneys for Defendant ABN AMRO Bank N.V.
(presently known as The Royal Bank of Scotland,
N.V.)*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ABN AMRO BANK N.V. (presently known as
THE ROYAL BANK OF SCOTLAND, N.V.),

Defendant.

Adv. Pro. No. 10-05354 (SMB)

**NOTICE OF RBS/ABN'S RULE
7054(A) MOTION TO REVISE
THE MEMORANDUM
DECISION AND MARCH 3,
2017 ORDER TO DISMISS
CLAWBACK CLAIM FOR
SUBSEQUENT TRANSFERS
FROM RYE SELECT BROAD
MARKET XL PORTFOLIO
LIMITED**

PLEASE TAKE NOTICE that ABN AMRO Bank N.V. (presently known as The Royal Bank of Scotland, N.V.) (“RBS/ABN”), upon its Memorandum of Law and the accompanying Declaration of Michael S. Feldberg in Support of RBS/ABN’s Rule 7054(a) Motion to Revise the Memorandum Decision and March 3, 2017 Order to Dismiss Clawback Claim for Subsequent Transfers from Rye Select Broad Market XL Portfolio Limited, will move pursuant to Rule 7054(a) of the Federal Rules of Bankruptcy Procedure before the Honorable Stewart M. Bernstein, United States Bankruptcy Judge in the above-captioned adversary proceeding (the “Motion”), on March 28, 2018, requesting that the Court:

1. Enter a Modified Memorandum Decision revising the November 22, 2016 Memorandum Decision Regarding Claims to Recover Foreign Subsequent Transfers, *Sec. Inv'r Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC*, Adv. P. No. 08-01789 (SMB), Adv. P. No. 11-02732 (SMB), 2016 WL 6900689 (Bankr. S.D.N.Y. Nov. 22, 2016) (the “Memorandum Decision” or “Mem. Decision”), and applying the Memorandum Decision’s international comity holding to dismiss the Trustee’s claim in this adversary proceeding for any subsequent transfers received from Rye Select Broad Market XL Portfolio Limited;
2. Enter an Amended Order revising the March 3, 2017 Order and granting RBS/ABN’s Motion to Dismiss the Trustee’s claim to recover subsequent transfers RBS/ABN received from Rye Select Broad Market XL Portfolio Limited, contained in Count Five of the Amended Complaint in this adversary proceeding;

as well as grant such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in

the Motion shall (i) be in writing; (ii) conform to the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules of the United States District Court for the Southern District of New York; (iii) specify the name of the objecting party and state with specificity the basis of the objection(s) and the specific grounds therefor; (iv) be filed in accordance with the electronic filing procedures for the United States Bankruptcy Court for the Southern District of New York and (v) be served upon counsel to RBS/ABN, Allen & Overy LLP, 1221 Avenue of the Americas, New York, New York 10020, Attn: Michael S. Feldberg, Esq., so as to be received no later than **March 21, 2018**.

Dated: March 1, 2018
New York, New York

Respectfully submitted,

ALLEN & OVERY LLP

By: /s/ Michael S. Feldberg
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